

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Mayo Foundation for Medical  
Education & Research, Mayo Clinic,  
and Cerner Corporation,

Civ. No. 09-322 (DSD/JJK)

Plaintiffs,

v.

Dr. Peter L. Elkin, M.D.,

Defendant.

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Dr. Peter L. Elkin, M.D.,

Civ. No. 09-1240 (DSD/JJK)

Plaintiff,

v.

Mayo Clinic, Mayo Foundation for  
Medical Education & Research, and  
Cerner Corporation,

Defendant.

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**ORDER FOR CONSOLIDATION**

The Court, being duly advised in the premises, upon all of the files, records  
and proceedings herein, now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Pursuant to the parties' May 11, 2009 Stipulation Regarding Transfer of New York Lawsuit and Consolidation of New York Lawsuit with Minnesota Lawsuit (Civ. No. 09-322, Doc. No. 28), and Rule 42(a) of the Federal Rules of Civil Procedure, the matters of Civil No. 09-322 (DSD/JJK) and Civil No. 09-1240 (DSD/JJK) are consolidated into a single action for all purposes, including pretrial and trial proceedings before Judge David S. Doty and Magistrate Judge Jeffrey J. Keyes. The Clerk of Court is directed to close Civil File No. 09-1240 (DSD/JJK), and merge the contents thereof with Civil File No. 09-322 (DSD/JJK). From the date of this Order, all documents shall be filed in Civil File No. 09-322 (DSD/JJK);

2. The Amended Complaint filed in Civil File No. 09-322 (DSD/JJK) at Doc. No. 12, the Answer and Counterclaims filed in Civil File No. 09-322 (DSD/JJK) at Doc No. 21, Cerner Corporation's Answer to Defendant's Counterclaims in Civil File No. 09-322 (DSD/JJK) at Doc. No. 30, and Mayo Clinic and Mayo Foundation for Medical Education & Research's Answer to Defendant's Counterclaims in Civil File No. 09-322 (DSD/JJK) at Doc. No. 31, shall be the governing Complaint, Counterclaims, and Answers in this case, unless otherwise amended subsequent to this Order; and

3. All pleadings hereafter filed in these consolidated matters shall bear the following caption:

Mayo Foundation for Medical  
Education & Research, Mayo Clinic,  
and Cerner Corporation,

Civ. No. 09-322 (DSD/JJK)

Plaintiffs,

v.

Dr. Peter L. Elkin, M.D.,

Defendant.

Date: June 12, 2009

s/Jeffrey J. Keyes  
JEFFREY J. KEYES  
United States Magistrate Judge